REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 6, 2005. Claims 1-22 are pending in the application. In the Office Action, Claims 1-22 were rejected. Applicant has amended Claims 1, 2, 11, 12, 13, 15, 16, 20, and 21 and has canceled Claims 6-10 and 18-19. For the reasons discussed below, Applicant respectfully requests reconsideration and favorable action in this case.

Drawing Objections

The Examiner objects to the drawings under 37 C.F.R. § 1.84(c) because of the small rectangular block present between step 401 and step 501 in Figure 5. Applicant has submitted Replacement Sheets to correct Figure 5 specifically and to generally replace the original formal drawings that were previously submitted.

Objections to the Specification

The Examiner objected to the specification as containing certain informalities. With regard to the disclosure of upgraded parameters, Applicant does not believe that specific examples of what the upgraded parameters might be is required. The present invention covers any parameters of an upgraded protocol which may be added to parameters that are associated with a legacy protocol. For example, many different types of header fields might be added in an upgraded protocol. Applicant is unclear as to what requirement of the patent laws the Examiner believes the specification does not comply with and thus Applicant respectfully requests further explanation of the basis of the Examiner's objection.

With regard to the disclosure of "fixed length header" and "fixed legacy message length," Applicant is again unclear regarding the issue raised by the Examiner. A "fixed length header" refers to the length of a header of a message. A "fixed legacy message length" refers to the length of a message (which may include a header) of a legacy protocol. Hopefully, this explanation resolves any confusion on the part of the Examiner. If not, Applicant respectfully requests further explanation of the basis of the Examiner's objection.

Section 112 Rejections

The Examiner rejects Claims 12 and 13 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of which applicant regards as the invention. With respect to Claim 12, Applicant refers the Examiner to line 13 of the claim, which provides the required antecedent basis. With respect to Claim 13, Applicant has amended this claim to depend from Claim 12 so as to provide the required antecedent basis. Favorable action is thus respectfully requested.

Section 102 Rejections

The Examiner rejects Claims 1, 2, 6, 7, 8, 11-13, 15, 16, 18, and 19-21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,032,197 issued to Birdwell et al. ("*Birdwell*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P. § 2131. In addition, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claims" and "[t]he elements must be arranged as required by the claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989); *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); M.P.E.P. § 2131 (*emphasis added*).

Claim 1 of the present application, as amended, recites the following limitations:

A stateless protocol method which is operable on a computer processor and computer memory, the stateless protocol comprising a computer program which configures the computer processor to:
establish a legacy protocol, wherein said legacy protocol defines at least one legacy parameter for a header portion of a message, and wherein said legacy protocol defines a fixed legacy header length;
receive an inbound message having a header portion;
allocate a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length;
push said header portion of said inbound message onto said memory portion thereby forming a received header, wherein said header portion is truncated to form the received header if a length of said header portion is greater than said depth of said memory portion corresponding to said fixed

legacy header length, such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion; and

interpret said received header according to said legacy protocol.

Claim 1 is not anticipated by *Birdwell* at least because *Birdwell* does not disclose either "allocat[ing] a memory portion from the computer memory, said memory portion having a depth corresponding to said fixed legacy header length" or "push[ing] said header portion of said inbound message onto said memory portion thereby forming a received header, wherein said header portion is truncated to form the received header if a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length, such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion." Independent Claims 11, 15, and 20 recite similar limitations which are also not disclosed by *Birdwell*.

With respect to the limitation requiring allocation of a memory portion having a depth corresponding to said fixed legacy header length, the Examiner refers to passages of *Birdwell* (Col. 3, lines 3-22 and Col. 6, lines 10-21) that disclose indexing memory locations where header values are stored. However, *Birdwell* does not disclose that these memory locations have a depth *corresponding to said fixed legacy header length*. Furthermore, because the memory disclosed in *Birdwell* is not disclosed as having a depth corresponding to said fixed legacy header length, *Birdwell* also does not disclose truncating the header portion "if a length of said header portion is greater than said depth of said memory portion corresponding to said fixed legacy header length, such truncation causing any header parameters associated with an upgraded protocol to be removed from said header portion."

For at least these reasons, Applicant believes Claims 1, 11, 15 and 20 to be in condition for allowance. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 1, 11, 15 and 20, as well as the claims that depend from these independent claims.

In addition to depending from an allowable independent claim, Claims 2, 12, 16 and 21 recite additional limitations not disclosed by *Birdwell*. For example, *Birdwell* does not

disclose an upgraded protocol or that the upgraded protocol includes at least one legacy parameter of a legacy protocol and at least one upgraded header parameter. There are not two different protocols disclosed in *Birdwell*. *Birdwell* discloses compressing the headers of some packets that are communicated using a single protocol (the headers of some packets can be compressed because of repetitive information in the header of each packet). Furthermore, since there is not a disclosure of both a legacy protocol and an upgraded protocol, there is also not a disclosure of any upgraded header parameters. The "compression key" is not an upgraded parameter since it is not associated with an upgraded protocol. Even assuming that uncompressed packets were sent with a legacy protocol and compressed packets were sent with an upgraded protocol (which they are not), this compression key is included in *both* types of packets. Thus, it is not an upgraded header parameter as required by these claims.

Furthermore, *Birdwell* does not disclose that the received header of an inbound message is interpreted according to an upgraded protocol if at least one upgraded header parameter is pushed on the memory portion and that the received header of the inbound message is interpreted according to a legacy protocol when no upgraded header parameters are pushed on the memory portion. As described above, *Birdwell* does not disclose both a legacy protocol and an upgraded protocol, and thus it also cannot disclose these limitations.

For at least these additional reasons, Applicant believes Claims 2, 12, 16 and 21 to be in condition for allowance. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 2, 12, 16 and 21.

Section 103 Rejections

The Examiner rejects Claims 3 and 17 under 35 U.S.C. § 103(a) as being obvious over *Birdwell* in view of U.S. Patent No. 5,206,822 issued to Taylor ("*Taylor*"). The Examiner also rejects Claims 4 and 9 under 35 U.S.C. § 103(a) as being obvious over *Birdwell* in view of U.S. Patent No. 4,973,952 issued to Malec et al. ("*Malec*") In addition, the Examiner also rejects Claims 5 and 10 under 35 U.S.C. § 103(a) as being obvious over *Birdwell* in view of U.S. Patent No. 5,410,546 issued to Boyer et al. ("*Boyer*"). Furthermore,

the Examiner also rejects Claims 14 and 22 under 35 U.S.C. § 103(a) as being obvious over *Birdwell* in view of U.S. Patent No. 6,650,636 issued to Bradshaw et al. ("*Bradshaw*").

Each of these claims depends from one of independent Claims 1, 11, 15, or 20. As discussed above, Applicant believes these independent claims to be in condition for allowance. Therefore, Claims 3-5, 14, 17 and 22 are allowable at least because they depend from an allowable independent claim. Therefore, Applicant respectfully requests reconsideration and allowance of Claims 3-5, 14, 17 and 22.
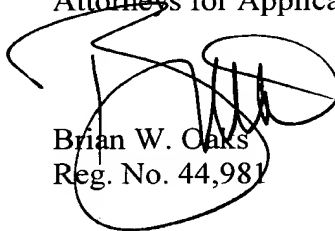
CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all the pending claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicant hereby requests a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Although Applicant believes no fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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